

FISH & RICHARDSON P.C.

PTO/SB/33 (07-05)
Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number
<p>I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.</p> <p><u>September 5, 2006</u> Date of Deposit</p> <p>_____ Signature</p> <p><u>Scott C. Harris</u> Typed or Printed Name of Person Signing Certificate</p>		07326-002003
		Application Number
		Filed
		November 26, 2001
First Named Inventor		
Scott Lochner et al.		
Art Unit		Examiner
2629		Duc Q. Dinh
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>32,030</u> (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of 1 forms are submitted.</p>		

10662400.doc

BEST AVAILABLE COPY

Attorney Docket Number: 07326-002003

Claims 2, 3, 5, 8 and 12 stand rejected under 35 USC 102(b) as allegedly being anticipated by Lemelson et al. With all due respect, this contention is believed to be in error.

Claim 2 requires a system with a first housing that displays and has a transceiver, and a second housing that is separate from the first housing where the second housing has a video generation element which produces a video output. Claim 2 further requires that the video generation element includes a video output "including at least one synchronization signal". The video output is sent to the first housing to drive the display part. Therefore, according to the express terms of Claim 2, the synchronization signal must be generated and sent to another unit. The first unit, that is the one that receives the sent information, must display information based on that signal including the synchronization signal.

As previously described, this is not shown by Lemelson et al. Lemelson et al. teaches a video phone which creates both video and audio to be sent from the transmitter to the receiver. Effectively still pictures are sent from the transmitter to receiver. Those still pictures are representative of the scene. The audio is displayed along with a picture indicative of the information.

Attorney Docket Number: 07326-002003

The rejection refers to the embodiment beginning at column 10 line 50. However, this embodiment refers to the same stop action motion technique as described above. Video and horizontal sync signals are generated by sync generator 108 and decoder 109. However, there is no disclosure of these sync signals being sent outside the unit where they are generated. In fact, Lemelson et al. never sends a video sync signal, because only still pictures are sent. See column 11 line 63 which explains that the "video" which is sent is always just a picture. Since stop motion pictures are sent, it is clear that there would be no reason to send any sync signals. The sync signals are used to select the stop motion pictures to be sent. Those sync signals are not sent from one unit to another.

Lemelson et al. never teaches sending a video output with a synchronization signal to a different housing, that is separate from the housing where it is produced. Claim 2 requires first and second separate housings, and requires a video output with sync signals sent from one housing to the other. The rejection states that column 11 lines 50-63 describes sending the video output. However, this is a stop motion video output. Nothing in lines 50-63 discloses sending the synchronization signal. Therefore, Lemelson et

Attorney Docket Number: 07326-002003

al. does not disclose the subject matter of Claim 2 which sends a video signal with its synchronization signal from one housing to another. Claim 2 is hence not anticipated by Lemelson et al.

Claims 4, 6, 11, 18-20 stand rejected as allegedly being unpatentable over Lemelson et al. in view of Tymes. This contention is respectfully traversed. The claims which depend from Claim 2 should be allowable by virtue of their dependency. In addition, however, the hypothetical combination of Lemelson et al. in view of Tymes is an improper combination. Tymes teaches nothing about horizontal and vertical sync signals being produced on different frequency channels. It does suggest that different frequencies can carry data signals, but teaches nothing about these specific allocations. Moreover, the subject matter of Claim 11 represents an inherently different solution to the problem from the one suggested by Lemelson et al. Lemelson et al. handles the bandwidth problem by simply reducing the amount of video that can be sent. Lemelson et al. reduces the video to stop motion pictures. This is very different from Tymes that addresses the problem using packets. Since they solve or address the problem in different ways; with all due respect, they are

Attorney Docket Number: 07326-002003

inconsistent and would not be combined by one having ordinary skill in the art.

Claims 10, 13-14, 17 and 21 are rejected as being obvious over Lemelson in view of Taaffe et al. The claimed subject matter is not suggested by Lemelson et al. in view of Taaffe et al. Taaffe et al. teaches that additional images may be displayed based on information in the cache. For example, when there are multiple images displayed on multiple portions of the monitor, then portions of that image are preserved in the image display. This refers to storage of images, not, as claimed, the display of video. According to Taaffe et al., once an image is displayed, it can be maintained on the monitor. However, there is no teaching or suggestion of doing this with a video.

Moreover, there is no teaching or suggestion of sending only the new picture information representing changes in the image, as claimed. Taaffe et al. merely describes that part of the information is stored in the buffer, it teaches nothing about sending only the new picture information as claimed.

Claim 13 should be allowable for analogous reasons. Claim 13 requires a wireless transceiver that receives video information including only new image information representing changes in an image since the previous

Attorney Docket Number: 07326-002003

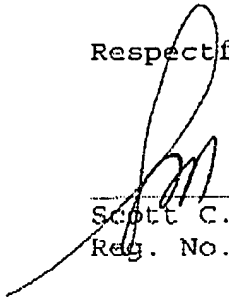
transmission. Taaffe et al. teaches sending new images, it teaches nothing about sending changes in an image.

Claim 14 is even further allowable since it defines a part that processes the video information to obtain these changes which is not taught or suggested by the cited prior art. Claim 17 defines the vertical sync and horizontal sync on separate frequency channels which is nowhere toward or suggested by Taaffe et al. Each of these claims should hence be allowable for these reasons.

Applicants ask that all claims be allowed. Please apply all applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 5, 2006



Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

10662409.doc